

Testimony of

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Subcommittee on Transportation Security**

'Strengthening International Cooperation on Aviation Security'

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- Honourable Representatives of the House
- Let me first thank you for inviting the European Commission to testify on the European Union's partnership with the United States in the field of aviation security, with the shared and joint objective to keep flying secure.
- In a period of less than a year, the international civil aviation community has been challenged by two well planned terrorist attempts against air transport. These attempts would have caused significant loss of human life had their execution not been disrupted or discovered in time.
- I am talking of course about the attempted sabotage of Northwest Airlines flight 253 on Christmas Day 2009 and about the attempts at sabotaging aircraft on 29th October 2010 using improvised explosive devices concealed in air cargo originating from Yemen.
- The first attempt was foiled due to the poor execution of the plan and the intervention of passengers on the flight. The second attempt was thwarted by intelligence.
- When our aviation security measures are challenged and come so close to being circumvented by terrorists, we must ask ourselves the questions: Are there still weaknesses in our system? And what can we do better to make our system more robust?
- We know that the nature of the terrorist threat is innovative and evolving. We also know that aviation remains a target for terrorists, and that

aviation security measures must respond, and ideally, pre-empt, that phenomenon, difficult as it may be to do.

- We, as regulators, have a duty towards the travelling public to demonstrate that we are doing everything in our power to stay one step ahead of the terrorists and that we can defend our air transport system. If the threat is evolving, we too must evolve.
- This must always be done in a way which allows aviation to develop further in a healthy and economically viable way. Otherwise, the terrorists have already won.
- Only in so doing so, will we be able to deliver our respective constituencies a right that is fundamental to the functioning of our economies and communities: the freedom to fly.
- We strongly believe, in the European Union, that we share a common agenda for aviation security with the United States, and that we should pursue that agenda in tandem, to combine and reinforce each other's action.
- Thanks to our respective efforts since 9/11, we have succeeded in protecting our aviation system from several attempted acts of sabotage. However, a lot of work remains to be done, and here I turn to the EU's relations internationally with the rest of the world, and bilaterally with the United States.

- The International Civil Aviation Organisation, ICAO, must be the driver for the overall policy to ensure proper buy-in internationally. ICAO must ensure the effectiveness of the global aviation security regime, both in terms of its design and its implementation. The EU and the U.S. cannot relax their efforts in assisting ICAO to see that this is done. Our work together is absolutely necessary. But it is clearly not going to be sufficient.
- ICAO has already played an instrumental role in reinforcing aviation security worldwide and must continue doing so in the future. The next ICAO triennial period should be guided by the outcome of last year's ICAO Assembly session whose conclusions were highly relevant to the challenges the air transport industry is facing.
- The historic adoption of the ICAO Declaration on Aviation Security by the Assembly confirms our joint priorities for future work on protecting air transport. The ICAO Comprehensive Aviation Security Strategy serves to drive that process by bringing forward concrete policy. The European Union is committed to play its part in this work.
- Let me turn to our most immediate priority for international cooperation. There is considerable concern among politicians in Europe about the security of flights coming into the EU since last year's incidents concerning improvised explosive devices in air cargo originating in Yemen. The EU demonstrated its commitment to international co-operation in this field through the adoption by EU Ministers of an Action Plan on Strengthening Air Cargo Security last December.

- The Action Plan serves as the EU's response to the Yemen incidents. It encapsulates a number of measures aimed at reinforcing the air cargo supply chain both within the EU and beyond. It tackles three areas: first, rapid exchange of information on new threats and on emergency measures taken to counter those threats, and development of a common EU risk assessment capability; second, new cargo security rules for the EU, and third, international co-operation. This third part recognises that cargo and mail is, by its nature, a global business and so the cargo security regime must be approached as a global challenge if global trade is to be facilitated. As such, there are strong expectations in Europe that ICAO must set a high baseline level of security and must ensure it is implemented. We also support Secretary Napolitano's call to improve global supply chain security as a means of reinforcing our air cargo regimes and, like the U.S., are examining how existing customs systems can be adapted to become a powerful instrument for air cargo security.
- So, first, we will work with ICAO, through the newly established Working Group on Air Cargo Security, to prepare new ICAO Standards and Recommended Practices on air cargo security. It must be borne in mind that developing tomorrow's aviation security regime is a joint effort and as such, our respective approaches, should be as compatible as possible. Where the U.S. and EU agree on certain standards, those standards have a good chance of becoming global standards. That way, we help the aviation industry and its essential clients – in particular the air cargo industry – to meet high security standards in a way which least hampers trade. If we set different standards, we do not achieve higher security, but probably higher costs and greater difficulty to ensure proper compliance. We have offered our TSA counterparts to prepare new rules

for air cargo security jointly, including the definition of high risk cargo, screening methods, and international supply chain security.

- Second, proper implementation of global standards for aviation security is just as important. This leads me to the topic of capacity building. Non-implementation of ICAO Annex 17 Standards and Recommended Practices in some ICAO Member States can expose the entire air transport system to attack. To counter that scenario, capacity building can play an important role.
- Capacity building activities are essential for delivering uniform implementation of international standards across the globe. Such activities are best focused on areas identified through the results of ICAO's Universal Security Audit Programme (USAP). Those audit results can help to show where support is most needed, in particular in tackling Significant Security Concerns exposed in ICAO Member States. The EU is in favour of greater transparency of ICAO audit results, notably where Significant Security Concerns are identified.
- Information sharing could be facilitated by ICAO Member States providing information on their capacity building activities to ICAO. This way, better coordination of such activities can take place in order to ensure maximum effectiveness. This will also ensure that there is no duplication of effort and that complementary activities can be implemented for the overall good of the whole aviation security system.
- Bilaterally, the U.S.-EU Air Transport Agreement has opened great opportunities for further work on aviation security between the EU and

the U.S.. The legal basis established by Article 9 on Security of the Air Transport Agreement attests to – and I quote - 'the importance of working towards compatible practices and standards as a means of enhancing air transport security and minimising regulatory divergence.'

- We feel it is worth investing in this work because together we account for almost 50% of global air traffic. One in five passengers coming into the United States departs from Europe; and vice versa. This represents almost 50 million passengers.
- Furthermore, we feel it is justified to invest in this work because our societies possess amongst the most sophisticated aviation security regimes in the world. We should capitalise on that fact.
- At a high level, the EU and the U.S. have been heavily engaged with each other, especially since the Northwest Airlines and Yemen incidents. Vice-President of the Commission, responsible for Mobility and Transport, Mr. Siim Kallas, and Secretary Napolitano are meeting regularly to discuss the shared challenges and agree the overall direction of our efforts to address them, and they meet again on 11 April in Washington.
- These more recent contacts are complemented by a solid history of working together for many years on aviation security issues through the long established forum of the EU-U.S. Transportation Security Cooperation Group. That Group meets periodically to discuss the challenges of the day, exchange information on new security methods and technologies, and to co-ordinate international work, especially vis-à-vis the International Civil Aviation Organisation.

- Furthermore, the group of like-minded so-called Quad members – that is Australia, Canada, the European Commission, and the United States – also work together to co-ordinate their positions and to drive the agenda internationally. A recent example of such co-operation is the joint position on future work for air cargo security presented with the support of the Quad members to the ICAO Aviation Security Panel at its meeting last month in Montreal at ICAO headquarters.
- Against this background, the most recent U.S. Emergency Amendment on cargo and mail came as something of a surprise to the EU and our aviation industry. The new requirements had not been discussed before, and did not take into account the existing measures in the EU which already achieve the same security outcomes, or new rules which are currently being developed in the EU and should be ready for adoption before the summer. That represents an opportunity missed to work out new rules on air cargo and mail security together. However, it is still not too late to do so, and we do hope that the U.S. will engage fully with the EU on designing compatible rules. We are each other's biggest partners in terms of air freight; 2 million metric tonnes being transported annually between the EU and the U.S.
- The EU believes that much more can be achieved through our co-operation efforts, and that we can have a much stronger impact on the ground. We should aim for better security that avoids the duplication of controls where our aviation security systems are equivalent, by mutually recognising each other's security controls wherever possible. We should do this not only to facilitate the travelling public, but to allow security staff to focus on real, unchecked threats and to free up limited aviation security resources for use elsewhere in the system to make air transport

more secure. The EU has pushed for this approach for some time now. It is a clear objective of the U.S.-EU Air Transport Agreement to which we are both committed. We feel this is a better approach than to impose unilateral measures on each other in relation to incoming flights.

- Finally, within the EU, we have developed common security rules and procedures which are applicable and enforced in a uniform manner in 30 European countries (including non-EU countries Iceland, Norway and Switzerland) accounting for over 500 million European citizens. That means, when travelling within these European countries, re-screening is not necessary on transfer by virtue of the security controls being applied once at the point of departure for the entire length of the journey. We term this concept 'One Stop Security'.
- We are now looking to conclude agreements with our key international partners which have equivalent standards of aviation security. Indeed, such efforts have also been made vis-à-vis the United States. We are currently engaged in setting up One Stop Security arrangements to allow passengers arriving on flights from America into Europe to transfer onto connecting flights without needing to re-screen them or their baggage. EU law allows for including the U.S. in its One Stop Security system, and we do hope that U.S. law will make room for the EU!
- The reality is that we should treat each other as equal partners in aviation security. The EU, in the eyes of the U.S., should not be grouped into the same basket as the rest of the world. The EU has a robust tried and tested aviation security regime, the merits of which we can, and we do, share with our counterparts in the U.S. administration. The EU rules are well enforced owing to a strong system of oversight both at EU and EU

Member State level, in which TSA officials are regularly invited to take part.

- That exchange of information, that understanding of each other's systems, should foster acceptability and trust of each other's systems. As such, the EU would greatly appreciate working together more closely with the U.S. to define the aviation security standards that are applied across the trans-Atlantic market and beyond.
- In the domain of cargo security and with respect to our respective efforts to counter a Yemen-style attack, we do have an opportunity to make headway here. The aim would be to do replace unilateral measures, such as U.S. Emergency Measures, with mutually acceptable security solutions for air cargo security which are implemented on flights leaving our respective territories.
- 'Strengthening international cooperation in aviation security' should not simply be about dialogue, it should be about action. And in that respect, we urge the U.S. to engage with the EU to deliver common solutions to our common challenges.
- To conclude, honourable Representatives of the House, it is important to underline that the security of international civil aviation is a joint responsibility. As such the EU shall continue to engage fully with the U.S., with ICAO, and with other key international partners in addressing the threat to civil aviation, both from the rules-based and the capacity building perspectives.

- Thank you for providing this opportunity to the European Commission to participate in this very important discussion.